

**BOARD OF HEALTH MINUTES**  
**December 3, 2012**

Marie O'Rourke, Chair, called the meeting to order at 7:00 p.m. Also in attendance were Robert Reader, Vice Chair, Sandra Giroux, Secretary, Daniel Kane, Mike Grady, Richard Berube, Director and Joanne White, Recording Clerk.

**ACCEPTANCE OF MINUTES**

Mr. Reader made a motion to accept the Meeting Minutes of November 5, 2012. Mr. Kane seconded. Three voted in favor, one vote abstained (Sandra Giroux).

**BOARD OF HEALTH BUSINESS**

**Health Department Activity Reports**

Mrs. O'Rourke stated the first item under Board of Health Business is the Health Department Activity Reports.

Copies of the Health Department Activity Reports for the month of November have been included in the Boards package.

Mrs. O'Rourke stated the first report is from the Public Health Nurse, Christine West.

Mr. Berube explained that Christine continues with vaccinations on a monthly basis. She also continues with communicable disease reporting/follow up on line with MAVEN (Massachusetts Virtual Epidemiologic Network and with the Massachusetts Department of Public Health). Life Support Systems came in and serviced all the AED's in town. Employee Wellness Program is planning a smoking cessation program for all Blue Cross Blue Shield members to begin in January 2013.

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Mrs. O'Rourke asked the Board Members if they had any questions regarding Christine West's report.

The Board Members did not have any questions.

Mr. Berube stated the next report is from Health Agent, Phavy Pheng. Mr. Berube explained that the owner of 78 Pinedale Avenue has submitted plans for a sewer extension to the Department of Public Works for review and approval. We have received the names of the two other parties that claim ownership to the property. Phavy has issued an order to the owners to fix the septic system or connect to town sewer.

Mr. Berube explained that the property at 16R Radcliff Road has been sold. We met with the new owners and they are going to renovate the house and address all the violations.

Mr. Berube explained that 1 Mitchell Road is ready to go forward with the sewer connection however they ran into a minor problem. They have to cross property that is owned by another condo association so as soon as he receives permission the sewer connection will be done. The owner has the funding available and the licensed contractor is ready to perform the work.

Mr. Berube explained that 3 Springs Road is ready to move forward with installing the septic system. The owner has selected a disposal works installer to install the system.

Mr. Berube explained that most of the complaints regarding junk and debris are making good progress.

Mrs. O'Rourke asked about the status of the junk and debris at 2 Sylvan Road and the owner's medical problem.

Mr. Berube replied that the owner has cancer. There is only a small amount of junk and debris stored outside that needs to be removed.

Mr. Berube commented that there have not been any complaints from Empire Recycling this month.

Mrs. O'Rourke asked if the Board Members had any questions regarding Phavy Pheng's report.

The Board Members did not have any questions.

Mrs. O'Rourke stated the last report is from Health Agent, Gary Courtemanche.

Mrs. O'Rourke asked why Health Agent, Gary Courtemanche attended the Animal Control Seminar.

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Mr. Berube replied that this seminar was about rabies and the Health Department gets involved with reported rabies cases.

Mrs. O'Rourke asked if the Animal Control Officer, Diane Murphy attended that seminar.

Mr. Berube replied that he did not think so.

Mrs. O'Rourke asked was the Animal Control Officer asked to go.

Mr. Berube explained that Diane Murphy also receives the same information on animal control seminars as the Health Department. In the past, when we received the information about animal control seminars I have contacted Dede about attending and she always has an excuse. Mr. Berube stated that he would send a memo to the Town Manager, John Curran expressing the concerns of the Board regarding Diane Murphy or a representative attending Animal Control Seminars.

Mrs. O'Rourke stated that either Diane Murphy or the part time Animal Control Officer, Maureen Ray should attend any seminars that are related to animal control.

Mrs. Giroux made a motion that the Board highly recommends that Animal Control Officer, Diane Murphy attend animal control seminars or send a representative.

Mr. Grady seconded. So voted unanimously.

Mr. Reader asked is the complaint regarding the building materials buried at 98 Billerica Avenue and the ongoing issue at the property owned by David Crescio the same problem.

Mr. Berube replied no. Jon Metivier is the owner of the property at 98 Billerica Avenue. Mr. Metivier is constructing garages on that property. Mr. Metivier has done a great job in cleaning up the property. Gary could find no evidence to support the complaint.

Mrs. Giroux complimented Gary Courtemanche on how he handled the power outages and the inspections at the food service establishments.

Mr. Berube replied that Gary got out there quickly and did a very thorough job inspecting the establishments.

Mrs. O'Rourke stated that a letter should be sent to Gary commending him for the great job that he did.

Mr. Berube explained that on Thanksgiving evening, I was called out by the Fire Department to Jade Pacific because of a grease overflow. Grease from the exterior grease trap overflowed across the parking lot and some of the grease was tracked out to Boston Road. Mass Highway came out and sanded Boston Road.

Mrs. O'Rourke asked why did that happened.

Mr. Berube replied because they are not pumping out the grease trap often enough. Mr. Berube explained that he cited them, had the system pumped and had a professional company come out and clean up the parking lot because of the grease. We are going to have them install a monitoring device for pumping out the grease trap. At this time of the year they need to increase the pumping frequency. A substantial fine was issued.

Mrs. O'Rourke asked if the Board Members had any questions regarding Gary Courtemanche's report.

**7:15 p.m. Shaffer Landfill Solar Facility – 171 Pond Street – Request Modification to  
Approved Plans**

Mrs. O'Rourke stated the next item on the agenda is the Shaffer Landfill Solar Facility, 171 Pond Street, requesting modification to the approved plans.

David Bonnett presented large scale drawing of the revised plan for the Shaffer Landfill Solar Facility.

Rayomand Bhungara, Sustainable Strategies 2050, LLC, identified himself. Mr. Bhungara explained that the Board of Health approved the project January 9, 2012. Since that time the project has been under review by the Department of Environmental Protection (DEP). DEP started their review in December 2011. We received final approval September 8, 2012. A lot of improvements have been made to the original design. Phil Paradis, BETA Group sent us a letter stating that as a result of the changes we would have to come back before the Board of Health. Richard Berube also sent a memo stating that as a condition of the approval granted by the Board of Health if any changes in the design occurred we would have to come back before the Board. On November 7, 2012 we met with Tony Fields, Planning Director, Richard Berube, Director of Public Health and Phil Paradis to discuss BETA's comments. On November 14, 2012 we formally responded to each of BETA's comments. On November 28, 2012 BETA Group submitted their conclusion to our responses. We are requesting that our revised design be approved by the Board. When we met January 9, 2012 one of the conditions was that the project would not move forward until DEP approved the project. DEP sent a letter listing the technical deficiencies. We responded to each technical deficiency. BETA has reviewed our comments. Phil Paradis is present tonight to explain his recommendations to the Board.

Mr. Paradis recommended that the proponent provide an explanation of the changes to the project.

Mrs. O'Rourke asked what are the changes.

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David Bonnett, Geosyntec Consultants, on behalf of UGT Renewable Energy 7, LLC, identified himself. Mr. Bonnett explained that the original design was linear. The revised design is "Micro-Block". Mr. Bonnett pointed to the plans and explained the area of the landfill and the new design. There are minor additions and subtractions with regards to the photovoltaic (PV). The new racking system consists of ballast blocks and a frame. The previous design used linear panels. A Micro Block consists of a 4 by 6 photovoltaic (PV) panel supported by a racking system consisting of a transverse link between two (2) chords. A minimum of four (4) ballast blocks will be used to support/anchor the frame. Mr. Bonnett pointed to the plans and explained how the new design would be assembled. With the original design we were going to use linear ballast trays now we will be using blocks. Mr. Bonnett explained how the micro-blocks would be assembled. Instead of in rows there will be blocks.

Mrs. O'Rourke asked has the number of panels changed.

Mr. Bonnett replied slightly. However, the area in which they sit has not changed.

Mrs. O'Rourke asked if they are going to face the same way.

Mr. Bonnett replied yes.

Mrs. O'Rourke stated that a resident on Tomahawk Drive had a concern with the panels facing her house. I thought the panels would be facing south.

Mr. Bonnett explained that the panels will be facing south and will be elevated. The resident with the concern is located at the water level. The panels will be raised twenty (20) feet above the water level. The panels will be facing south and will be mounted. The actual PV will be mounted on an angle.

Mr. Bhumgara stated the number of panels with the original design was 20,000 and with the new design there will be less than 20,000 panels.

Mr. Berube explained that with the previous racking system pins were going to be used to hold the panels into the ground. The pins have been eliminated. That is a benefit to this system. There will not be any penetration into the cap.

Mrs. O'Rourke asked who came up with that idea.

Mr. Bhumgara explained that we kept investigating on how to improve the design and make it better. We also received comments from DEP on how to improve the design. DEP has approved over thirty (30) landfill storage use permits in Massachusetts. We kept making improvements to the design. The design we have now is the best.

Mrs. O'Rourke stated that Mrs. Giroux had a question about who will benefit from the power created.

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Mrs. Giroux stated you are taking and storing this electricity who will benefit from that electricity.

Mr. Bhumgara replied the town will benefit. We have an agreement with the town. It is called a Net Metering Credit Sales Agreement. We will sell the power to National Grid. For each kilowatt hour we get credited for the power. We have an agreement with the town to buy the credits. If we sell power worth one hundred thousand (1,000,000) dollars and the Town receives credit for one hundred thousand (1,000,000) dollars, the town then writes us a check for ninety thousand (90,000) dollars so for every hundred thousand (1,000,000) dollars the town would then save ten thousand (10,000) dollars on their power. It is a three way agreement.

Mrs. Giroux stated so the town would benefit not the residents.

Mr. Bhumgara explained the residents would not benefit for a structure of this size. Mr. Bhumgara explained that there is another project called Solarize Massachusetts but this project does not qualify. For a project of this size there is a three way agreement where we sell the power to National Grid and National Grid credits the entity that we have the agreement with for the power and that entity writes a check to us minus the discount. Mr. Bhumgara reiterated the example that he had given regarding one hundred thousand (1,000,000) dollars.

Mrs. Giroux asked is there any way for the residents in that area to benefit from this project.

Mr. Bhumgara replied no. There are other programs where the residents can install solar panels onto their rooftops or they can buy power at a discounted rate. For this kind of commercial scale project there is no structure that we can sell power to one hundred (100) residents.

Phil Paradis, BETA Group, identified himself. Mr. Paradis explained there are six (6) concerns that BETA has. Included in the Board's package is Geosyntec response to address BETA's concerns. The first concern is the Photovoltaic (PV) layout shown on the slope of greater than 15%. Geosyntec has revised the plan to avoid severe slope conditions and detail was revised to avoid disturbance of greater than six (6) inches of the vegetated cover. The second is the new "Micro-Block" racking system. Geosyntec provided photos indicating that the panels will follow the slope of the surface as necessary. One of our concerns is how will they get around the blocks in order to do maintenance or to use as an emergency access. The third is the Positioning Inverters throughout the site. The fourth is Wire Crossings. Geosyntec provided detail information of the precast concrete footings, the sizing and placement of the ballasts and installation configuration and all areas where vegetation has been disturbed will be loamed and seeded. The fifth is Array Layout. Geosyntec provided engineered details of the proposed detention basin modifications. The sixth is Interconnection Location. Geosyntec provided a Best Management Practice (BMP) plan. Geosyntec will develop and provide an Access Way Plan when the PV layout is updated to show adequate emergency service and maintenance access to the entire site. The Access Way Plan will be provided prior to the pre-construction meeting. The plan will be provided to the Fire Department for any emergency equipment that may need to access the site.

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Mrs. O'Rourke asked shouldn't the Access Way Plan be ready now.

Mr. Bonnett replied that a survey needs to be done of the actual contours. The survey that was done is 7 or 8 years old. Mr. Bonnett explained that once the survey is completed the structural engineers will complete the final layout of the PV's and the access ways will be established. Mr. Bonnett pointed to the plans and explained the ten foot wide access ways. An as-built plan will be designed and any changes will be reflected on the plan.

Mrs. O'Rourke stated you are asking us to approve this plan and the final survey has not been done. Is the plan going to change?

Mr. Bonnett replied no, the layout may change or move slightly as a block because of the existing ground.

Mrs. O'Rourke asked Mr. Berube if this is the final plan.

Mr. Berube replied yes. Mr. Berube explained that they might have to make some slight adjustments depending on the topography of the landfill but what is shown on the plan is what the design is going to be.

Mr. Bhumgara explained this plan is not going to change. Before the pre-construction meeting a survey will be done to determine the elevations and refine this plan. The number of panels is not going to change, the number of micro-blocks is not going to change, the design is not going to change this is what DEP has given final approval for. It took us eight (8) months to get final approval from DEP. The overall design is not going to change. This is the final design.

Mrs. O'Rourke reiterated if this Board approves this plan tonight and after the survey is done the plan needs to be changed then you will have to come back before this Board.

Mr. Bhumgara replied yes, it is part of the Board of Health conditions.

Mrs. O'Rourke asked the Board Members if they had any questions.

Mr. Kane stated that this process has been going on since January 2012 and has gone through the DEP process, why hasn't an up to date and accurate survey been done in the last ten (10) months to specify where the access roads will be.

Mr. Bonnett explained that in the sequence of construction it states that once we get into the pre-construction phase the first thing to do is go out and have a survey done. We do not want to go out too early and mark the grade break points.

Mr. Kane asked how do you layout a project of thirty (30) acres without having an accurate design done. I am concerned that this as-built is a final with minor tweaks. I am concerned with the

level of detail within the plan.

Mr. Bonnett explained that the roads are done. It is the access ways into this area. The purpose of waiting for the survey is because landfill settles over time. We don't anticipate that the survey is going to change significantly. In the sequence of construction before we go into construction we are going to go out and layout everything and make sure it is correct.

Mr. Kane asked is there any anticipated plans for the access.

Mr. Bonnett replied yes and pointed to the plans and explained that between the micro-blocks there is a ten (10) foot access ways. The bigger blocks above ground are the land filled gas units.

Mrs. O'Rourke stated the access roads are limited to where you can put them.

Mr. Bonnett replied yes. Mr. Bonnett pointed to the plans and explained the access roads.

Mr. Kane stated you will not be able to drive a fire truck in the access road.

Mr. Bonnett replied the access road is primarily used for maintenance.

Mr. Paradis explained that they used the as-built when they built the cap. They want to make sure the blocks are level.

Mrs. Giroux asked when do you anticipate construction to begin.

Mr. Bonnett replied in the spring of 2013.

Mrs. Giroux asked how long will the survey take.

Mr. Bonnett replied a ground survey would take a day to a day and a half.

Mrs. O'Rourke asked how long will it take to complete the project.

Mr. Bonnett replied the project will take approximately three to four months.

Mr. Berube stated it is a much better design than what was previously approved by the Board. I recommend the modifications. I would also recommend applying the conditions that Mr. Paradis has suggested.

Mrs. O'Rourke asked if any abutters were present. No abutters were present.

Mrs. Giroux made a motion to grant the modification to approve the plans for a solar facility at Shaffer Landfill, 171 Pond Street plus provide a stormwater prevention plan, provide an emergency



access contingency plan and update the Board with so as to ensure that no other changes have been made based on the following findings of fact and pursuant to the following conditions:

**FINDINGS OF FACT**

- 1) The work described in the applicant's request is within an area subject to protection under the Billerica Health's Rules and Regulations, Chapter 5, Sections 5.5.005 (1) (2) and Chapter 6 inclusive.
- 2) The Board of Health conducted a public hearing on December 3, 2012 and properly notified abutters in accordance with Billerica Health Regulations, Chapter 1, Section 1.2.007.
- 3) The applicant proposes to construct a solar facility on top of a former landfill that was capped in 2003. The current scope of the project includes the installation of approximately 20,016 photovoltaic (PV) modules attached to aluminum frames supported by concrete pads resting on shallow leveling pads of gravel on the ground surface.
- 4) During the MassDEP review, changes were made to the design plans for the solar facility in response to review comments. In particular, the PV modules' support system was redesigned to further reduce impact to the landfill cap and allow the placement of PV modules on slopes of up to twenty percent (20%).
- 5) The Board of Health previously granted a variance (#11-18-19-1-030) and stormwater management approval for this project on January 9, 2012. As a result of changes to the plans for the solar facility, further review and approval by the Board of Health is required pursuant to condition #3 of said variance and stormwater management approval.
- 7) Revised plans were reviewed by Phil Paradis, Jr. of BETA Group, Inc., the Board of Health's Consulting Engineer, for potential impacts to the Flood Plain as well as compliance with applicable drainage regulations.
- 8) The Board of Health will impose reasonable conditions to ensure the project is constructed in accordance with approved plans.
- 9) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

**CONDITIONS**

Standard conditions number 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 21, 24, 25, 26, 27, 28 and 29 in accordance with the Board of Health regulations and Special Conditions:

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- A) All construction must be in accordance with plans submitted for review and approval, prepared by Meridian Associates dated November 2012 and revised to November 14, 2012 and stamped by Richard E. Waitt, Jr. RPE#34776.
- B) An updated photovoltaic (PV) layout including a proposed “access way map” (for emergency services and maintenance access) shall be submitted at the preconstruction meeting. Post construction, an as-built of the PV system and access way map shall be included in the operations and maintenance plan and submitted to the Board of Health and the Town of Billerica emergency services.
- C) The Stormwater Pollution Prevention Plan (SWPPP) and the US Environmental Protection Agency’s Notice of Intent shall be submitted prior to or at the preconstruction meeting.
- D) This variance supercedes the variance (#11-18-19-1-030) granted January 9, 2012 by the Board of Health.

Mr. Kane seconded. So voted unanimously.

**7:25 p.m. Scott Green – 153 Nashua Road – Request Variance for work within the Flood Plain**

Mrs. O’Rourke stated the last item on the agenda is Scott Green, 153 Nashua Road, requesting a variance for work within the Flood Plain.

Doug Lees, Land Engineering and Environmental Services, presented a large scale drawing of the property at 153 Nashua Road.

Doug Lees, Land Engineering and Environmental Services, Inc. identified himself. Mr. Lees explained that he was representing Scott Green, the owner of the property located at 153 Nashua Road. Mr. Green would like to develop the vacant lot located at 153 Nashua Road. Mr. Lees showed the current plan that he will be submitting to the Conservation Commission. We are going through a review process with the Conservation Commission over some of the neighbor’s concerns that were raised at the Conservation meeting. The property is located on Nashua Road and extends back several hundred feet into the wetland area. The lot was reconfigured with the house next door about a year ago to provide a way to get to the driveway out back. Mr. Lees pointed to the plans and explained the proposal to construct a driveway within the Green Engineering Flood Plain (GEFP) for access to the upland portion of the lot. It would be outside the one hundred (100) foot buffer from the wetland. There is sewer on Nashua Road. Mr. Lees pointed to the plan and explained the location of the Green Engineering Flood Plain on the property.

Mr. Berube explained that the flood plain in the front flows north and the flood plain out back flows south.

Mr. Lees pointed to the plans and explained that one of the variances we are requesting is to construct a septic system within one hundred (100) feet of the GEFP that is on this side of the hill. The plans that we have submitted for the driveway is a little closer so we will construct a stone wall that would provide compensation. The Conservation Commission requires that we pull the driveway further uphill away from the wetlands and also the GEFP. A retaining wall will be constructed two-three feet on the other side of the driveway. We will be providing some stormwater compensation. A couple of stone infiltration trenches will be constructed along the driveway. Some bituminous curbing will be in the area closest to the driveway. We have also increased the recharge area that will infiltrate the roof runoff. The first variance we are requesting is to construct the driveway within twenty-five (25) feet from the GEFP and the second variance is to construct the septic tank twenty-six (26) feet from the GEFP. We are scheduled to meet with the Conservation Commission on December 12, 2012 for their approval.

Mrs. O'Rourke asked the Board Members if they had any questions.

Mr. Kane asked is there any access on the back side of this property that will allow you to connect to town sewer.

Mr. Reader asked what is the name of the street behind this property.

Mr. Lees replied Luce Circle.

Mrs. O'Rourke asked isn't there an easement in the back of the property.

Mr. Berube replied that there is an easement that goes through the back of the property.

Mrs. O'Rourke asked can they connect to sewer at that point.

Mr. Lees replied there is a thirty (30) foot no clear zone easement. We are proposing a no cut area along the lot lines.

Mr. Berube pointed to the plans and explained that there is a sewer easement. The no clear easement is behind Cinnamon Drive.

Mr. Lees pointed to the plans and explained about the other side of the stream.

Mr. Berube replied that is something that is worth exploring with the Town Engineer. I met with the Town Engineer and their position is that sewer is available on Nashua Road and if they were to approve a building permit the owner would have to connect to town sewer in accordance with the Town's By-Law. There are other options available. If possible you could connect through one of the easements. Directional drilling is another option that has been done before and would not disturb the wetlands or the flood plain. Mr. Berube stated that he would hold his comments until all the abutters have had the opportunity to voice their concerns.

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Mrs. O'Rourke asked if there were any abutters present that would like to comment.

Myles Preston, 18 Luce Circle, identified himself. Mr. Preston explained that his biggest concern is the location of the septic system. It looks like the septic system would be close to my backyard or on the property line. I have pipes in my backyard for relief drainage. I have a sand box that floats in the springtime because of the water. In the past couple of years I have had a sink hole in front of my driveway.

Mr. Lees asked are you referring to the stream that comes out to Luce Circle.

Mr. Preston stated you are talking about eight thousand (8,000) square feet of concrete or hard top and cutting down trees that absorb water. Who will be responsible for the water that ends up on my property?

Mrs. O'Rourke asked are you connected to town sewer.

Mr. Preston replied yes, the whole area is connected to town sewer.

Mrs. O'Rourke asked if any other abutter would like to express their concerns.

Lynn Barstow, 145 Nashua Road, identified herself. Ms. Barstow explained that both 145 and 147 Nashua Road also have long driveways that are comparable to what is being proposed at 153 Nashua Road. We have ejector pumps in our backyard. We are connected to the town sewer system. Why should the applicant be allowed to apply for a variance and have a septic system and leach field that is so close to the wetlands when we had to connect to town sewer?

Christopher Weimer, 147 Nashua Road identified himself. Mr. Weimer explained that his house is the closest to the proposed house and septic system. I am concerned with the water encroaching into my back yard because of the wetlands.

Ms. Barstow explained that she had a French drain installed after she moved in because her property is very wet. The French drain cost \$12,000.00.

Ralph Nardone, 20 Luce Circle identified himself. Mr. Nardone explained that his property borders Mr. Green's property. Mr. Nardone explained that he has had substantial water problems in his basement. I had to install a triple pump system with a battery backup. I had the foundation dug up inside the house and had to refinish the entire basement. The groundwater is exceedingly high. My concern is that we are removing the ability of the land to absorb water by paving, adding a house and a septic system that will contribute to an already high water table as opposed to having the waste water taken away by the sewer system. The drainage is awful. This whole project is counter to the town trying to protect the environment. It affects us directly as neighbors.

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Mr. Berube explained that he visited the site on December 3, 2012 and met with Mr. Preston and Mr. Nardone and walked around the surrounding properties. I also met with Isabel Tourkantonis from the Conservation Commission and she updated me on some of the concerns of the Conservation Commission. Mr. Lees has addressed some of the issues that were raised at the Conservation Meeting. I think that Mr. Preston and Mr. Nardone's property are going to suffer the greatest impact from this project because their property is down gradient. It is a very wet neighborhood. Based on their comments and from what I have seen the drainage in that area is inadequate. Any further developments can add to the neighbor's problems. If the Board is going to approve this project they would have to place conditions to make sure that the situation is not going to be worse than what it currently is and try to make some improvements that will benefit the neighborhood.

Mr. Reader asked should town sewer be looked into.

Mr. Berube replied that is a valid point that was brought up by Mr. Nardone. As I mentioned before the Town Engineer would want this connected to town sewer in compliance with the Town By-Laws. I think that needs to be explored.

Mr. Reader asked is there a possibility of an easement off of Luce Circle.

Mr. Berube replied that is something that they would have to explore with the Town Engineer, if that is possible. They could use directional drilling to get to Nashua Road without disturbing the wetlands and the flood plain. One of the concerns that I have on the original plans is with all the impervious area that they are creating they were only infiltrating the runoff from the house. With this plan presented tonight, I can see some infiltration trenches that will be installed along the driveway which should address the runoff from the driveway. I do not know if they could do something closer to the house. Mr. Berube explained that it looks like everything is sloping into the infiltration basin on detail #1 on the plans.

Mr. Lees explained that most of the driveway slopes. Like I told Mr. Nardone the Conservation Commission will be the worst enemy because they will require that all the runoff from the site is caught and it will recharge into the groundwater which will exasperate the groundwater problems that are already there.

Mrs. O'Rourke asked how long would it be from the driveway to the proposed sewer connection.

Mr. Lees replied approximately six hundred (600) feet.

Mrs. O'Rourke stated the houses behind this lot are connected to town sewer, did you explore connecting in that area?

Mr. Lees replied there is a drainage easement. There is a stream that runs down the middle of that property so I don't think we will be able to get a permit for a sewer pipe.

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Mr. Berube pointed to the plans and explained that there is a drainage easement on Mr. Nardone's property. It does not seem like there is a good flow. Over the years trees have fallen in and obstructed the path of the water flow. If the Board grants approval of this project, I would want permission from the property owner to allow Mosquito Control to go onto the property and try to re-establish the drainage flow. Mr. Berube explained the flow pattern on the plan. Mosquito Control can work in the wetlands and re-establish the channel to improve the flow of water through this area.

Mrs. O'Rourke asked Mr. Berube in his opinion is this a piece of property that should not be developed.

Mr. Berube replied that as property owner you have the right to develop the property. This Board has granted permission for other projects to be developed on difficult sites. The problems can be overcome if the owner wants to pursue it.

Mrs. O'Rourke asked Mr. Green that if the Board requires you connect to town sewer are you willing to do that to minimize the impact of the neighbors in that area.

Mr. Green replied yes, he will do anything that he has to. I will work with them as a team.

Mrs. O'Rourke asked Mr. Green if he is going to live in the house.

Mr. Green replied that he is not sure at this time. I like the lot. It is very pretty. There is a lot of privacy. I will do a nice job with the project whether I live there or not. The house will be contemporary style. I thought the least impact would be with the septic system but if they prefer connecting to town sewer that is what I will do.

Mrs. O'Rourke asked the Board Members if they had any questions.

Mrs. Giroux stated that she has major concerns. The septic system being twenty-six (26) feet from the Green Engineering Flood Plain, improvements within twenty-five (25) feet of the flood plain but are actually only two-three feet away, the driveway being twenty-five (25) feet from the flood plain and the length of the driveway. Everything I have heard will add to the neighbor's problems. The Town has a by-law that mandates connecting to sewer when available. At this time I would not grant the variance because of all the problems. If the plan is revised then I would be open to review it again. There are too many things that contradict this Board's rules and regulations.

Mr. Berube suggested that the hearing be continued. Mr. Berube stated that he would schedule a meeting with Mr. Green, the abutters, as well as the Conservation Commission and the Town Engineer's Office to look at the plan and come up with a revised plan that would be acceptable to everyone. Then the applicant could come back before the Board.

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Mrs. Giroux stated that she would be happy to revisit the plans after the issues have been addressed. Mrs. Giroux stated at this point I would deny the request if this is the plan that is being submitted.

Mr. Berube agreed with Mrs. Giroux's point.

Mrs. Giroux made a motion to continue the hearing until all issues have been addressed with the abutters and revised plans are submitted. A continued hearing will be scheduled at that time.

Mr. Kane seconded. So voted unanimously.

Mr. Berube asked the abutters for their contact information so that he could schedule a meeting and notify them.

**Open Microphone**

Mrs. O'Rourke asked if anyone was present for open microphone.

No one was present for open microphone.

Mrs. Giroux made a motion to adjourn. Mr. Kane seconded.

The Board adjourned at 8:25 p.m.

Respectfully submitted,

Sandra Giroux  
Secretary

Joanne M. White  
Recording Clerk